

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1-4 have been amended and claim 5 has been added. It is believed that no new matter is being presented, and approval and entry are respectfully requested.

Claims 1-5 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §103

In the Office Action at pages 2-3, numbered paragraph 5, claims 1-4 were rejected under 35 U.S.C. §103 as being unpatentable over Prior Art Admitted by the Applicant (PAAA) in view of Japanese Patent Application 06-259002 by Takumi. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Amended independent claim 1 recites, in relevant part, "collecting individual operator setting information including the reading time and the operation interval measured, the individual operator setting information depending on personal features of operators to be engaged in scanning codes," "storing individual operator setting information for a specific operator to be engaged in scanning codes in a portable recording medium," and "reading the individual operator setting information for the specific operator from the portable recording medium." Further, amended independent claim 1 recites "setting an operation standard for reading scanned codes on the basis of the individual operator setting information corresponding to a specific operator before the operation." Support for these amendments can be found in the originally filed specification, at least at paragraphs 108 and 119, and in FIG. 8. Similar features are recited in amended independent claims 2-4.

Thus, according to the present invention, the bar code reader collects personal information regarding operation of the bar code reader by the operator. This is accomplished by making the operator scan codes on items, as described in the originally filed Specification at paragraphs 89 through 109. As described in paragraph 108 of the Specification, the bar code

reader records the personal information. The recorded personal information is then used to set the operation standard. See Specification at paragraph 119 and FIG. 8.

Takumi is directed to a virtual reality system in which personal information is recorded in a recording medium. The personal information includes information regarding the operator's body shape, feature, and capacity. However, unlike the present invention, Takumi only reads and utilizes the recorded personal information. Thus, Takumi fails to teach or suggest that the virtual reality system collects personal information itself. Applicant's PAAA also fails to teach or suggest this feature.

In the Office Action at page 3, the Examiner asserts that "Takumi teaches [that] a system enables each operator to set individual information based on the personal information or personal features including an operator's habit, the feature, and capacity." Applicant respectfully disagrees. Takumi states, in the Abstract of its Japanese laid-open publication, which the Examiner cites in the Office Action, states that it enables "each operator to speedily set individual information, etc., to the system at the time of operation and operate the system with high precision in a state matching characteristics of the operator." Further, the Abstract states that

The individual information on the body form feature, ability, etc., of the operator is recorded on a portable data file type card, and data recorded on the data file type are read in a master controller 1 through a two-dimensional bar code reader 5 to position machines such as an HMD device 2, a master hand device 3, and a master arm device 4 and set parameters, thereby placing the system in the system state matching the operator.

Personal information or individual information are discussed in paragraph 23 of Takumi. Applicant respectfully submits that this paragraph of Takumi discusses optics data such as width between eyes and eyesight, with or without glasses; auditory data such as size of the ear, length of external auditory meatus, auditory transmission parameter, and auditory capacity; and body data such as the length between joints within fingers, hands, arms, and body, and the size of fingers, hands, arms, and the body. Accordingly, Applicants respectfully submit that habits or behavioral information is not included in the personal data or individual data of Takumi. Rather, the data Takumi refers to is anatomical data. Thus, Takumi fails to teach or suggest personal or individual data concerning an operator's habit, including the rhythm of the operator.

For at least these reasons, Applicant respectfully submits that Takumi and the PAAA, taken alone or in combination, fail to teach or suggest all of the features of amended independent claims 1, 2, 3, and 4. Accordingly, Applicant respectfully submits that amended independent claims 1-4 patentably distinguish over the prior art and are in condition for allowance.

NEW CLAIM 5

New claim 5 has been added to set forth the invention in varying scope.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date:

^{MJH}
April 14, 2005

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